

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:10-cv-149-W**

<b>TROPICAL NUT &amp; FRUIT CO.,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>PERMANENT INJUNCTION</b>
	)	
<b>CREATIVE SNACKS CO., LLC, and</b>	)	
<b>MARIUS ANDERSEN,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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THIS MATTER is before the Court on the parties' Amended<sup>1</sup> Consent Motion for Permanent Injunction against Defendants Creative Snacks Co., LLC and Marius Andersen ("Defendants") (Doc. No. 39). Having determined that the Motion is supported by good cause, and that Defendants consent, the Court concludes that the Motion should be GRANTED, and the original motion (Doc. No. 38) is hereby DENIED AS MOOT.

IT IS THEREFORE ORDERED that, pursuant to Rule 65 of the Federal Rules of Civil Procedure, a Permanent Injunction shall be immediately entered, as follows:

1. Defendants and their officers, agents, representatives, employees, members, managers, and those persons acting in concert with Defendants, shall immediately and permanently refrain from using as product names for Defendants' products the names on the list attached hereto as Exhibit A, in which names Plaintiff contends it has or might have trademark rights.
2. This Permanent Injunction is entered with the consent of all parties as a compromise to resolve this lawsuit. The parties make no admissions with respect to the allegations and claims set

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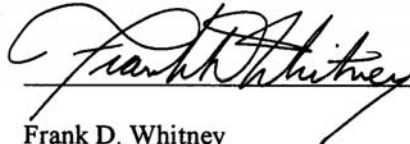
<sup>1</sup>The instant motion amended the original motion (Doc. No. 38) to reflect the signatures of all counsel.


forth in the pleadings. The Court makes no findings of fact with respect to any issue in this lawsuit.

3. The Court retains jurisdiction over the Defendants and this action for the purpose of enforcing the permanent injunction hereby entered.

IT IS SO ORDERED.

Signed: March 3, 2011

  
Frank D. Whitney  
United States District Judge



## **EXHIBIT A**

AFTER HOURS  
AH SOY  
AMORA ADMIRAL'S MIX  
AUTUMN DELIGHT  
AWESOME ANTIOXIDANT  
BALL PARK  
BANANA SPLIT  
BARTENDER'S BLEND  
BERRY GOOD  
BERRY-IFIC  
BLUEBERRY THRILL  
BUFFALO NUTS  
CAJUN HARVEST  
CALIFORNIA  
CANDYLAND  
CAPITOL CRUNCH  
CAPITOL  
CHECKMATE  
CHERRIES AND BERRIES  
CHILI LIME PEANUTS  
CHOCOLATE CRUNCH  
CHOCOLATE ENTICEMENT  
CHRISTILLE BAY  
CINNAMON SPLENDOR  
CONTINENTAL BLEND  
CONVENTION  
COUNTRY CLUB  
DIET DELIGHT  
ESSENTIAL ANTIOXIDANT  
FESTIVAL  
FIBER FIRST  
FIRECRACKER HOT & SPICY  
FIVE STAR  
FRENCH QUARTER  
FRUIT FANTASTIC  
FRUITBERRY BASKET  
FRUITFUL BOUNTY  
GO BANANAS  
GOLD NUGGET CRUNCH  
GRABEEZ  
HAWAIIAN  
HEARTLAND  
HI ENERGY  
IMPERIAL

JUST NUTTY  
KONA COFFEE KRUNCH  
MANGO TANGO  
MEXICALI FIRE  
MORNING DELIGHT  
MULLIGAN  
MY SALAD BAR  
NEAPOLITAN  
NY DELI BLEND  
ORGANACEUTICALS  
ORGANIC ACRES  
ORIENTAL DELIGHT  
PB&J  
PECAN DELIGHT  
PEP IN YOUR STEP  
PERFECTLY FIT  
PISTACHIO BERRY BLEND  
POPPIN' NUT CRUNCH  
PREMIERE CHOICE  
REINDEER FOOD  
RISE 'N SHINE  
SALTY DOG  
SANTA'S SNACK  
SIENNA CREAM CRUNCH  
SOUTH OF THE BORDER  
STUDENT FOOD  
SUNBURST  
SWEET & NUTTY  
SWEET & SALTY  
SWEET CAJUN HEAT  
SWEET CAROLINE  
SWEET HEAT  
SWEET PLAY  
SWEET SELECTION  
SWEET TOOTH  
TAHITIAN GOLD  
THE BIG CHEESE  
TRIPLE TREAT  
WASABI EXPLOSION  
WASABI KICK  
WASABI SOY SAUCE CASHEWS  
WHITE CHOCOLATE CRUNCH  
WILD ABOUT WASABI  
YOGURT AMBROSIA  
YORK'S HARVEST  
ZESTY FIRE